

## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

ROBERT BURNS, Chairman  
BOYD DUNN  
JUSTIN OLSON  
SANDRA KENNEDY  
LEA Márquez PETERSON

IN THE MATTER OF THE APPLICATION OF  
**ARIZONA PUBLIC SERVICE COMPANY** FOR A  
HEARING TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE COMPANY  
FOR **RATE MAKING** PURPOSES, TO FIX A JUST  
AND REASONABLE **RATE OF RETURN**  
THEREON, AND TO APPROVE RATE  
SCHEDULES DESIGNED TO DEVELOP SUCH  
RETURN.

(Sarah Harpring, Hearing Officer)

**DOCKET NO. E-01345A-19-0236**

**INTERVENOR GAYER's**

**COMMENTS On  
On  
HEARING DIVISION MEMO  
On  
SCHEDULING  
And  
OBJECTION TO SHORT  
NOTICE OF MEETING**

Richard Gayer, an Intervenor in this Docket and a residential customer of APS, hereby submits his Comments on the Hearing Division's Memo of December 13, 2019. These comments focus on Residential Customers. He first Objects to the short two-day notice of the Special Open Meeting.

**OBJECTION TO SHORT NOTICE OF "SPECIAL OPEN MEETING".**

In an email dated December 17, 2019 at 10:34 am, the Commission appears to have set the captioned meeting for 9:00 am on December 19th, less than two full days in the future. The only agenda item is APS Docket 19-0236, not only to set a schedule but also set "direction" to the Utilities Division regarding "settlement discussions" and "any" "resulting" "agreement".

Such discussions and agreement would violate the statements made by ALJ Harpring during the Procedural Conference on December 09, 2019 that the Commission wants this case to be litigated and that it would be "unwise" to attempt a broad settlement agreement. Even APS's

1 representative stated that APS expects a fully-litigated hearing. Has APS changed its mind, or  
2 has one or more Commissioners become afraid of offending APS?

3 To avoid the appearance of bias on the part of the Commission or the ALJs and to  
4 provide adequate notice to all Intervenors and their attorneys, the Special Open Meeting should  
5 be postponed for ten (10) days.

## 6 7 COMMENTS ON THE MEMO

### 8 1. The “No Rate Increase” Option

9 The Commission shall promptly consider and vote upon a Motion that no rate increase is  
10 appropriate in this case and that APS may submit another Application after a date certain, but at  
11 least two years hence. Such Motion shall be made no later than January 30, 2020.

### 12 13 2. Participation

14 Only APS and Intervenors may participate actively during “hearings”. However, time  
15 will be allowed for public comments by APS customers at the beginning of certain specified  
16 hearings and during relevant Open Meetings.

### 17 18 3. Settlements

19 Settlements shall be proposed only by Intervenors that relate to rates directly applicable  
20 them. Only Residential Customers shall submit proposals and vote on matters that relate  
21 directly to Residential Customers.

### 22 23 4. Expediting These Proceedings Is Not Necessary

24 There is no reason to expedite proceedings in this case. To do so would deprive APS and  
25 Intervenors and other APS customers of procedural due process. Two years to conclude these  
26 proceedings would not be excessive, especially in view of the finding in the Overland Report  
27 that APS is currently earning more than was authorized.

1 Dated: December 17 2019

Respectfully submitted by,

2 /s/ Richard Gayer

3 RICHARD GAYER, Intervenor  
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Phoenix, AZ 85003  
5 602-229-8954 (rgayer@cox.net)

6 Proof of Service

7 On December 17 2019, I served this document on everyone on the Service List in this case.

8 /s/ Richard Gayer